

HONORABLE MARSHALL FERGUSON
Motion for Preliminary Injunction
Noted with Argument: November 26, 2019, at 9 a.m.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

GARFIELD COUNTY
TRANSPORTATION AUTHORITY;
KING COUNTY; CITY OF SEATTLE;
WASHINGTON STATE TRANSIT
ASSOCIATION; ASSOCIATION OF
WASHINGTON CITIES; PORT OF
SEATTLE; INTERCITY TRANSIT;
AMALGAMATED TRANSIT UNION
LEGISLATIVE COUNCIL OF
WASHINGTON; and MICHAEL
ROGERS,

Plaintiffs,

v.

STATE OF WASHINGTON,

Defendant.

No. 19-2-30171-6 SEA

DECLARATION OF MICHAEL
ROGERS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

I, MICHAEL ROGERS, declare as follows:

1. I am one of the plaintiffs in the above-captioned matter and a resident of Lacey, Washington. I am over the age of eighteen and am competent to make this declaration. I have personal knowledge of the facts stated herein, which facts are true and correct.

2. I have cerebral palsy, which is a group of disorders that affect a person's ability to move and maintain balance and posture. As a result, I am unable to move any distance without the use of a wheelchair. I am also unable to drive a vehicle and, as a result, I am entirely reliant

1 on transit and paratransit services to travel anywhere outside of the short distances I can travel
2 using my wheelchair.

3 3. My wife also has cerebral palsy and uses a wheelchair. We do not have access to
4 an accessible vehicle that can accommodate a power chair. As a result, we do not rely on family
5 to transport us. Instead, my wife and I both use transit to visit our family.
6

7 4. I use transit or paratransit services multiple times per day. Most of the time I use
8 fixed route bus service. I also have conditional approval to use paratransit service when
9 conditions require, such as during inclement weather.

10 5. For 23 years, I have worked a full-time, year-round job in Lacey. I take the
11 Intercity Transit 64 or 66 bus every day to travel between my residence and my office, unless I
12 utilize paratransit services. I require reliable and timely bus and paratransit service in order to
13 get to work on time.
14

15 6. During baseball season, I also work a part-time, weekend job for the Seattle
16 Mariners. Since I was very young, it has always been my dream to work for the Mariners, so this
17 job is extremely important to me. To travel to my Mariners job, I commute from Lacey to
18 Seattle, using multiple transit systems. Although my commute can occasionally vary, I typically
19 first travel from my home in Lacey to the Martin Way Park and Ride in Lacey using fixed route
20 bus service on Intercity Transit. At the Martin Way Park and Ride, I transfer to Intercity Transit
21 bus route 612/620, which I ride to the SR-512 Park and Ride in Lakewood. From there, I
22 transfer to Sound Transit regional bus service to T-Mobile Park in Seattle. The entire commute
23 takes me more than two hours each way.
24

25 7. My commute to my job with the Seattle Mariners was featured in a video made by
26 the Washington State Transportation Commission entitled "Mobility: Making Connections" and
27

1 is available at <https://www.wtp2040andbeyond.com/media>. A true and correct copy of the video
2 is also attached to this Declaration as **Exhibit A**.

3 8. Without efficient and effective transit and paratransit services, I would be unable
4 to participate in any of the necessary activities of daily life. I rely on paratransit and transit
5 services to travel to my full-time and part-time jobs, medical appointments, the grocery store,
6 community activities, volunteer undertakings, and to visit friends and family. In addition to the
7 specific bus routes I identify above for my commute to work, I use a variety of other transit
8 routes for these purposes, including routes throughout the Intercity Transit system and on other
9 transit systems.
10

11 9. On at least one occasion, a snowstorm stopped transit services to my residence.
12 As a result, my wife and I were unable to leave the house to purchase food or other basic
13 necessities. We contacted Intercity Transit paratransit service for assistance, and they were able
14 to provide transportation to the grocery store. Without this service, we would have run out of
15 food.
16

17 10. The reduction in transit and paratransit services and service delays due to
18 increased congestion caused by Initiative 976 will have an extremely negative impact on my life.
19 I understand that loss of funding to Intercity Transit is likely to reduce service on the routes I use
20 to travel. If I cannot access timely and reliable transit and paratransit services, I will not be able
21 to continue working my job, go to necessary medical appointments, or secure food for my
22 family. Additionally, I am extremely concerned that the additional time it will take me to
23 commute from Lacey to Seattle for my job with the Mariners, or the elimination of service
24 between Thurston and Pierce County will make it impossible for me to continue to work my
25 dream job.
26
27

1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

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4 Executed this 16th day of November, 2019 at Lacey, Washington.

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6 Michael Rogers
7 Michael Rogers
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EXHIBIT A

HONORABLE MARSHALL FERGUSON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

GARFIELD COUNTY
TRANSPORTATION AUTHORITY;
KING COUNTY; CITY OF SEATTLE;
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ASSOCIATION; ASSOCIATION OF
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AMALGAMATED TRANSIT UNION
LEGISLATIVE COUNCIL OF
WASHINGTON; and MICHAEL
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v.

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Defendant.

No. 19-2-30171-6 SEA

NOTICE OF FILING PHYSICAL
ITEMS WITH THE CLERK

Exhibit A to the Declaration of Michael Rogers filed in support of Plaintiffs' Motion for Preliminary Injunction is a video that is being filed in physical CD form with the King County Superior Court Clerk's Office. This submission cannot be converted to a scanned electronic image. The item will remain in the Clerk's custody until appropriate disposition pursuant to the Local Rules of King County Superior Court.

NOTICE OF FILING PHYSICAL ITEMS WITH THE
CLERK - 1

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1 DATED this 18th day of November, 2019.

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18 *Transit Association, Association of*
19 *Washington Cities, Port of Seattle,*
20 *Garfield County Transportation Authority,*
21 *Intercity Transit, Amalgamated*
22 *Transit Union Legislative Council of*
23 *Washington, and Michael Rogers*

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CERTIFICATE OF SERVICE

I am and at all times hereinafter mentioned was a citizen of the United States, over the age of 21 years and not a party to this action. On the 18th day of November, 2019, I caused to be served, via the King County E-Service filing system, and via electronic mail per agreement of the parties, a true copy of the foregoing document upon the parties listed below:

Contacts for Plaintiff King County:

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DATED this 18th day of November, 2019.



Sydney Henderson